

ESTTA Tracking number: **ESTTA328312**

Filing date: **01/22/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	SATA GmbH & Co. KG
Granted to Date of previous extension	01/23/2010
Address	DOMERTALSTRASSE 20 KORNWESTHEIM, 70806 GERMANY

Attorney information	Paul D. Bianco Fleit Gibbons Gutman Bongini & Bianco PL 21355 East Dixie Highway Suite 115 Miami, FL 33180 UNITED STATES tmmiami@fggbb.com, lguerra@fggbb.com
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Applicant Information

Application No	77563931	Publication date	11/24/2009
Opposition Filing Date	01/22/2010	Opposition Period Ends	01/23/2010
Applicant	KUAN CHANG CO., LTD. 1F NO.382, SEC.1, BAO-AN ST., SHULIN CITY TAIPEI COUNTY, TAIWAN		

Goods/Services Affected by Opposition


Class 007. All goods and services in the class are opposed, namely: POWER OPERATED PAINT AND GLUE SPRAYERS; SPRAY GUNS FOR PAINT; ELECTRIC GLUE GUNS AND SPRAY GUNS FOR CEMENT

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2591111	Application Date	02/20/2001
Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	RP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 007. First use: First Use: 2000/09/00 First Use In Commerce: 2000/12/06 paint spray guns

Attachments	76212796#TMSN.gif (1 page)(bytes) 100122 Notice of Opposition- 200RP.pdf (13 pages)(445070 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Leticia Guerra/
Name	Leticia Guerra
Date	01/22/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/563,931
For the Mark: 200RP

SATA GmbH & Co. KG)	
)	
Opposer,)	
v.)	Opposition No.
)	
KUAN CHANG CO., LTD.)	
)	
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

Opposer, SATA GmbH & Co. KG (hereinafter, "Opposer"), a corporation organized and existing under the laws of Germany, located and doing business at Domertalstrasse 20, 70806 Kornwestheim, Federal Republic of Germany, believes that it is being or will be damaged by registration of the mark "200RP" that is the subject of U.S. Application Serial No. 77/563,931, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 2,591,111 for the mark "RP" for "paint spray guns" in International Class 7, registered on the Principal Register with the U.S. Patent and Trademark Office on September 7, 2002, with a date of first use anywhere in the world of September 2000 and a date of first use in commerce of December 16, 2000 (hereinafter "Opposer's Mark"). A true and correct copy of U.S. Reg. No. 2,591,111 is attached hereto as **Exhibit A**.

2. Opposer's Mark is valid and subsisting.
3. Opposer's exclusive right to use Opposer's Mark in commerce on or in connection with the goods covered by its registration is incontestable, pursuant to Section 15 of the Trademark Act, 15 U.S.C. §1065.
4. Applicant, KUAN CHANG CO., LTD., (hereinafter, "Applicant"), upon information and belief, is a Taiwanese corporation located at 1F No.382, Sec.1, Bao-An St., Shulin City, Tapei County.
5. On September 6, 2008, Applicant filed an intent-to-use U.S. trademark application with serial no. 77/563,931 to register the stylized mark "200RP" (hereinafter, "Applicant's Mark") for "power operated paint and glue sprayers; spray guns for paint; electric glue guns and spray guns for cement" in International Class 7. Applicant's Mark was published for Opposition in the Official Gazette on November 24, 2009. A true and correct copy of the USPTO TARR status print-out is attached hereto as **Exhibit B**.
6. Opposer filed a 30-day request for an extension of time to file an opposition against Applicant on December 23, 2009.
7. Opposer's Mark was registered prior to Applicant's application filing date.
8. Opposer has priority of use of Opposer's Mark, and has continuously used Opposer's Mark in commerce in connection with paint spray guns since at least as early as December 6, 2000.
9. Through Opposer's promotion of its products in conjunction with Opposer's Mark, its Mark has generated substantial goodwill among the purchasing public.
10. Upon information and belief, Applicant has not yet commenced use of Applicant's Mark in the United States.

11. The text of Applicant's Mark is visually similar to the text of Opposer's Mark. The respective marks both contain the term "RP" as a substantial component of the mark. The text "RP" is the dominant portion of Applicant's Mark and is identical to Opposer's Mark.

12. Due to the dominant presence in both marks of the term "RP," Opposer contends that there are strong similarities in the sound, meaning, connotation, and overall impression of the respective marks.

13. Applicant's use of its "200RP" mark as a trademark in connection with "power operated paint and glue sprayers; spray guns for paint; electric glue guns and spray guns for cement" in International Class 7 is likely to cause confusion, mistake, and deception as to the source and origin of Applicant's Mark and is likely to be confused with Opposer's Mark in connection with its paint spray gun products.

14. Applicant's goods sold under its "200RP" mark are distributed through, or capable of distribution through, the same channels of trade as Opposer's goods sold under Opposer's Mark.

15. Opposer's goods sold under Opposer's Mark and Applicant's goods sold under its "200RP" mark are sold to, or capable of sale to, the same class of purchasers.

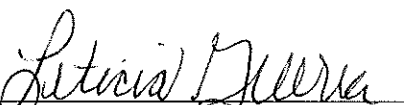
16. Because of the identical nature of the respective parties' goods and the high similarity between the respective marks, Applicant's Mark is likely to cause confusion or mistake, or to deceive and mislead the trade and purchasing public into believing that Applicant's products are an extension of Opposer's products, that Applicant is licensed or controlled by Opposer, or that Applicant's goods are approved, endorsed, sponsored, or emanate from Opposer.

17. Any problems or complaints concerning Applicant's goods sold under Applicant's Mark are likely to reflect adversely upon Opposer and are likely to seriously injure its reputation and goodwill in Opposer's Mark.

18. Registration of Applicant's Mark, as shown in U.S. Application Serial No. 77/563,931 will result in damage to Opposer under the provisions of Section 2(d) of the U.S. Trademark Act, 15 U.S.C. 1052(d), pursuant to the allegations above.

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant's Mark and respectfully requests that its Opposition be sustained and the application to register the mark "200RP," in U.S. Application Serial No. 77/563,931, be DENIED.

Respectfully submitted,
SATA GmbH & Co. KG

By: 
Paul D. Bianco
Leticia Guerra

Attorneys for Opposer
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant by mailing said copy on January 22, 2010, via First Class Mail, postage prepaid to Opposer's attorney, Morton J. Rosenberg at Rosenberg, Klein & Lee, 3458 Ellicott Center Dr., Suite 101, Ellicott City, MD 21043-4178.

By: _____
Leticia Guerra

FLEIT, GIBBONS, GUTMAN,
BONGINI & BIANCO P.L.

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-01-22 17:12:07 ET

Serial Number: 76212796 Assignment Information Trademark Document Retrieval

Registration Number: 2591111

Mark (words only): RP

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2007-11-05

Filing Date: 2001-02-20

Transformed into a National Application: No

Registration Date: 2002-07-09

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-11-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SATA GMBH & CO. KG

Address:

SATA GMBH & CO. KG
DOMERTALSTRASSE 20
70806 KORNWESTHEIM
Fed Rep Germany

Legal Entity Type: Corporation

State or Country of Incorporation: Fed Rep Germany

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

paint spray guns

Basis: 1(a)

First Use Date: 2000-09-00

First Use in Commerce Date: 2000-12-06

ADDITIONAL INFORMATION

Foreign Application Number: 30061513.2

Country: Fed Rep Germany

Foreign Filing Date: 2000-08-17

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-05 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-10-17 - Section 8 (6-year) and Section 15 Filed

2007-10-31 - Assigned To Paralegal

2007-10-17 - PAPER RECEIVED

2007-10-16 - Case File In TICRS

2007-06-13 - Automatic Update Of Assignment Of Ownership

2002-07-09 - Registered - Principal Register

2002-04-16 - Published for opposition

2002-03-27 - Notice of publication

2002-01-09 - Approved for Pub - Principal Register (Initial exam)

2001-10-15 - Communication received from applicant

2001-11-08 - Inquiry as to suspension mailed

2001-05-11 - Letter of suspension mailed

2001-05-02 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas J Vande Sande

Correspondent

THOMAS J VANDE SANDE
HALL & VANDE SANDE LLC
10220 RIVER RD
STE 200
POTOMAC, MD 20854-4932

Domestic Representative

Thomas J Vande Sande

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-01-22 18:02:58 ET

Serial Number: 77563931 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

The logo consists of the characters '200RP' in a highly stylized, outlined, and slightly irregular font. The '2' and '0's are connected, and the 'R' and 'P' are also connected to the '0's.

(words only): 200RP

Standard Character claim: No

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2009-12-23

Filing Date: 2008-09-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
REINHART MEGHAN M

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-10-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. KUAN CHANG CO., LTD.

Address:

KUAN CHANG CO., LTD.
1F NO.382, SEC.1, BAO-AN ST., SHULIN CITY
TAIPEI COUNTY
Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 007
Class Status: Active
POWER OPERATED PAINT AND GLUE SPRAYERS; SPRAY GUNS FOR PAINT; ELECTRIC GLUE GUNS
AND SPRAY GUNS FOR CEMENT
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the highly stylized letters and numbers "200RP" with the "R" being smaller than the "200" and the "P".

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-23 - Extension Of Time To Oppose Received
2009-11-24 - Notice Of Publication E-Mailed
2009-11-24 - Published for opposition
2009-10-21 - Law Office Publication Review Completed
2009-10-21 - Approved for Pub - Principal Register (Initial exam)
2009-10-21 - Amendment From Applicant Entered
2009-10-21 - Communication received from applicant

2009-10-20 - PAPER RECEIVED

2009-06-23 - Notification Of Priority Action E-Mailed

2009-06-23 - Priority Action E-Mailed

2009-06-23 - Priority Action Written

2009-06-05 - Amendment From Applicant Entered

2009-06-05 - Communication received from applicant

2009-06-05 - Assigned To LIE

2009-06-04 - PAPER RECEIVED

2008-12-12 - Notification Of Non-Final Action E-Mailed

2008-12-12 - Non-final action e-mailed

2008-12-12 - Non-Final Action Written

2008-12-10 - Assigned To Examiner

2008-09-11 - Notice Of Pseudo Mark Mailed

2008-09-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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